



Guidelines for Special Reporting Requirements for Hairsprays

Stationary Source Division

December 5, 1997

GUIDELINES FOR SPECIAL REPORTING REQUIREMENTS FOR HAIRSPRAYS

PURPOSE

The purpose of this document is to provide guidance for responsible parties who must prepare compliance plans and periodic updates pertaining to the 55 percent volatile organic compound (VOC) standard for hairsprays. Through a question-and-answer format, this document addresses commonly asked questions concerning these plans and updates.

BACKGROUND

At the public hearing conducted on March 27, 1997, the Air Resources Board (ARB/Board) adopted amendments to the consumer products regulation (Title 17, California Code of Regulations (CCR), sections 94507-94517) pertaining to hairspray. The principal effect of these amendments is to postpone the effective date of the 55 percent VOC standard for hairspray by 17 months, from January 1, 1998, to June 1, 1999. Additionally, the amendments modify the reporting requirements to require the responsible party to submit compliance plans and periodic updates that detail the specific actions the responsible party will take to come into compliance with the 55 percent VOC standard between January 1, 1998, and June 1, 1999.

The reporting requirements for hairsprays are not intended to create a significant burden on industry. We envision that the compliance plans would only contain sufficient detail to give us a complete picture of what the responsible party will be doing to develop reformulated products by June 1, 1999. We also expect that the periodic updates to the compliance plans could contain less detail, except in cases where major setbacks or revisions to a plan have occurred. For some of the updates, a short letter advising the ARB staff that the reformulation effort is on schedule per the plan is all that is necessary.

QUESTIONS AND ANSWERS REGARDING REPORTING REQUIREMENTS FOR HAIRSPRAYS

The following questions and answers are intended to assist the responsible party in preparing their compliance plans and periodic updates regarding the "Special Reporting Requirements for Hairsprays" set forth in section 94513(f), Title 17, CCR.

1. Who is required to submit compliance plans and periodic updates?

Each responsible party whose hairspray product has a VOC content of greater than 55 percent VOC, by weight, must submit a compliance plan and periodic updates if the

responsible party intends to sell, supply, offer for sale or manufacture the product for sale in California after January 1, 1998.

In section 94508(a)(77) of the consumer products regulation, the "responsible party" is defined as the company, firm or establishment listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party whom the product was "manufactured for" or "distributed by," as noted on the label.

The responsible party may use their own reporting form or the Air Resources Board, Hairspray Compliance Plan, Reporting Form, December 5, 1997 (Attachment A). If the responsible party is not the manufacturer/filler or not directly involved in the reformulation of the product, they must identify the manufacturer/filler or some other party who will submit the compliance plan and periodic updates on their behalf. For convenience, these guidelines will refer to the party that is submitting the compliance plans and periodic updates on behalf of the responsible party as the designated reporting party. However, regardless of the arrangement, the responsible party is still legally responsible for ensuring that the special reporting requirements are met.

2. What reporting options are available to the responsible party if they are not the manufacturer/filler or not directly involved in the reformulation of the product?

The reporting options are:

- (a) The responsible party submits information to the ARB that identifies the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan and periodic updates directly to the ARB on their behalf. In this case, the information submitted by the responsible party and designated reporting party are separate from one another.
- (b) The responsible party and designated reporting party (manufacturer/filler or some other party) submit together, in one package, the information that is described above to the ARB.

3. Must the ARB Reporting Form be used when submitting a compliance plan?

No. The use of the ARB Reporting Form is not required when submitting a compliance plan. The compliance plan may be submitted in any format provided the information contained in the plan meets the requirements of section 94513(f), Title 17, CCR. The compliance plan can be submitted by hardcopy, diskette, or e-mail to the ARB as identified in these guidelines. Please note that the ARB is not responsible for the security of any information (confidential or otherwise) that is submitted through the Internet.

4. When are the compliance plans and periodic updates due?

Compliance plans are due by:

C January 1, 1998.

However, before we begin enforcing this requirement, we will allow a one-month grace period, to February 1, 1998, for companies to fully complete and submit their compliance plans. Allowing the additional time is appropriate because (1) these guidelines were not finalized until early December 1997, and (2) the additional time will ensure that the ARB receives more complete compliance plans and better information without compromising the purposes of the regulation.

Periodic updates to the compliance plans are due by:

C April 1, 1998;
C July 1, 1998;
C October 1, 1998;
C January 1, 1999;
C March 1, 1999; and
C May 1, 1999.

5. Are there any circumstances under which the responsible party would not need to submit the compliance plan or periodic updates?

Yes. If before January 1, 1998, the responsible party has begun selling a 55 percent VOC product in California and has also stopped manufacturing the over-55 percent VOC product for sale in California, it is not necessary to submit a compliance plan so long as the responsible party notifies the ARB in writing. Notification to the ARB should be by a letter stating that a 55 percent VOC product has been developed, and describes (a) when California sales of the 55 percent VOC product began, and (b) when the manufacture of the over-55 percent VOC product for sale in California stopped.

If after January 1, 1998, the responsible party begins to sell a 55 percent VOC product for sale in California and also stops manufacturing the over-55 percent VOC product for sale in California, it is not necessary to submit periodic updates so long as the responsible party notifies the ARB in writing that a 55 percent VOC product has been developed, and describes (a) when California sales of the 55 percent VOC product began, and (b) when the manufacture of the over-55 percent VOC product for sale in California stopped.

However, for the same reasons stated in Questions #4, we will allow a one-month grace period, to February 1, 1998, before we begin enforcing this requirement.

6. What information should the responsible party include in their compliance plans?

When preparing a compliance plan, the responsible party should include enough detail to give the ARB staff a complete picture of the actions they will be undertaking to develop 55 percent VOC hairsprays by June 1, 1999, or earlier. A different timeline shall be submitted for each reformulation approach.

A complete compliance plan should contain the following elements:

Background:

This section (ARB Reporting Form, page 6) should include a general explanation of the responsible party's strategy for developing a complying product(s), including a discussion of the technology involved. This section serves as a qualitative summary of the plan and should include a brief description of the product form(s) affected; technologies being pursued; any special packaging or valves being considered; if an innovative product is being pursued; and the approximate month and year when a 55 percent VOC product(s) is expected to be available in California. It would also be helpful to provide the name(s) of the product line(s) affected by the reformulation.

Formulae and Packaging:

This section (ARB Reporting Form, page 7) should provide a list of formulae and packaging information for both aerosols and nonaerosols to be investigated by the responsible party. The various reformulation approaches being investigated for each form should be discussed including the product formulation, packaging, delivery system, and if an innovative product approach is being pursued. In addition, each task should contain a brief qualitative explanation of what the process entails. The formulae and packaging information for each form should include the following:

- C types of formulations to be tested (describe the technologies being investigated such as water-based formulations using dimethyl ether or certain resins; solvent-based systems using HFC-152a and ethanol; etc);
- C formulation data (for each reformulation approach to be tested, provide a list of the major ingredients and their weight percent range);
- C prototype, toxicity, corrosion, stability, safety, efficacy, consumer market, and consumer acceptance testing (describe the testing status for each reformulation approach);
- C packaging testing (describe any special types of packaging, and the testing status of the hardware being investigated for each reformulation approach);
- C valve testing (describe any special types of valves, and the testing status of the hardware being investigated for each reformulation approach);

- C plant modifications (describe any manufacturing modifications that will be needed to accommodate any reformulation approach being investigated).

Timeline:

For each product form and different reformulation approach being undertaken, this section (ARB Reporting Form, page 14) should include a timeline which includes steps for the following events:

- C prototype development;
- C prototype, toxicity, corrosion, stability, packaging, valve, safety, efficacy, consumer market, and consumer acceptance testing;
- C plant modifications;
- C large scale production;
- C approximate month and year when a 55 percent VOC product is expected to be available in California; and
- C schedule for submittal and processing of an innovative product if this approach is being pursued.

The timeline should be portrayed as a graphical layout depicting the starting date, completion date, and task duration to the nearest month for each task. The timeline should account for any overlap of tasks involved. A template is provided in the ARB Reporting Form, page 15, and an example of a completed timeline is provided in Attachment B.

Back-up Plan:

Under section 94513(f)(3), Title 17, CCR, the responsible party is required to provide a back-up plan that describes the intended action should the chosen compliance method or technology not succeed. The back-up plan (ARB Reporting Form, page 16) should briefly describe the option that would be pursued, including the pathway that would achieve compliance by June 1, 1999, if the primary plan were to fail. Examples of some possible back-up plan options are to: (1) use more low- or non-VOC ingredients, (2) pursue a filling contract or licensing agreement with another manufacturer/filler of a 55 percent VOC product, (3) pursue development of an innovative product, (4) purchase hairspray credits from another responsible party, or (5) enter into the Alternative Control Plan program. In the event that the responsible party encounters insurmountable difficulties in carrying-out their primary plan, they would need to provide in a periodic update the details of the back-up plan they will be implementing.

7. What information should the responsible party include in the periodic updates?

If there are no major setbacks or revisions to the compliance plan, the update can be a short letter informing the ARB that the compliance plan is on schedule for the following updates:

- C April 1, 1998;
- C July 1, 1998;
- C October 1, 1998;
- C March 1, 1999; and
- C May 1, 1999.

Even if a compliance plan is running smoothly, we would like to receive more information on the responsible party's progress to date for the January 1, 1999, update. This update should include a short report on the responsible party's progress to date, and the status of meeting milestones in the compliance plan.

If the responsible party encountered major setbacks or revisions to their plan during the first six months of 1998 then the July 1, 1998, update would need to include the following information:

- C a discussion of the setbacks;
- C summarized data for any test results relevant to the setbacks;
- C an explanation of major revisions to the compliance plan; and
- C a revised timeline.

If the responsible party encountered major setbacks or revisions to their plan during the second six months of 1998 then the January 1, 1999, update would also need to include the above information.

8. How will confidential information be safeguarded?

The ARB will treat any information deemed confidential by the responsible party or designated reporting party (manufacturer/filler, or some other party) as confidential in accordance with regulations (sections 91000-91022, Title 17, CCR) adopted by the ARB to safeguard the confidentiality of trade secrets (Attachment C). To help us protect trade secrets, the responsible party and designated reporting party should clearly designate in their compliance plans and periodic updates which parts of these documents they consider confidential. All information designated as confidential will be handled strictly in accordance with the confidentiality regulations. In addition, all confidential information will be kept in locked file cabinets and will be accessible to authorized ARB staff on an "as needed" basis only. For more information on the protection of confidential information, please contact Mr.

Robert Jenne, ARB Senior Staff Counsel, at (916) 322-3762.

9. How will the ARB use the compliance plans and periodic updates to monitor progress towards timely compliance?

At the March 27, 1997, hearing, the Board and a number of industry representatives expressed interest that implementation of the 55 percent VOC standard take place on June 1, 1999, without further delay. The reporting requirements will provide the ARB staff with a very important tool to track individual company's progress toward on-time compliance with the standard.

For companies who find themselves in the position of having to request a variance from the June 1, 1999, standard, the reporting requirements will provide us with valuable information to help in determining the necessary findings for granting a variance.

10. To whom shall compliance plans and periodic updates be submitted?

Compliance plans and periodic updates should be sent to:

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, California 95812-2815
Attn: Air Quality Measures Branch
Hairspray Special Reporting Requirements
CONFIDENTIAL MATERIALS ENCLOSED

For packages that require a street number, the address is:

2020 L Street
Sacramento, California 95814

For electronic submittals, the e-mail address is: **hairspry@arb.ca.gov**

11. How may data be reported to the ARB?

The compliance plans and periodic updates may be submitted by hardcopy, diskette, or electronic mail (e-mail). The ARB is not responsible for the security of any information (confidential or otherwise) that is transmitted through the Internet. The ARB has developed a reporting form that companies may use for submittals. The hardcopy (Attachment A) or diskette form (Wordperfect 6.1) may be obtained from the ARB staff contact listed in Question #13. The e-mail form is available from the ARB Internet website at: **<http://www.arb.ca.gov/consprod/consprod.htm>**.

12. Where and what is the actual language for the special reporting requirements for hairsprays?

The actual language is found in Title 17, CCR, Division 3, Chapter 1, Subchapter 8.5, Article 2, Consumer Products, section 94513(f), Special Reporting Requirements for Hairsprays, and is provided in Attachment D.

13. Who is the ARB staff contact for additional questions on the reporting requirements?

The ARB staff contact is:

Mr. Edward Wong
Implementation Section
Air Quality Measures Branch
Stationary Source Division
(916) 327-1507
(916) 327-5621 (FAX)
ewong@arb.ca.gov (e-mail)

ATTACHMENT A

**Air Resources Board
Hairspray Compliance Plan
Reporting Form**

California Environmental Protection Agency



Air Resources Board

**HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

Stationary Source Division

December 5, 1997

AIR RESOURCES BOARD HAIRSPRAY COMPLIANCE PLAN REPORTING FORM

PURPOSE

The Air Resources Board's (ARB) Hairspray Compliance Plan, Reporting Form, was developed to provide a uniform format for companies that must submit a plan demonstrating progress toward compliance with the 55 percent volatile organic compound (VOC) standard for hairspray. The compliance plan requirement is fully discussed in a question-and-answer format in the Guidelines for Special Reporting Requirements for Hairsprays, December 5, 1997, which is available by hardcopy or diskette (Wordperfect 6.1) from the ARB staff contact, or from the ARB Internet website at:
<http://www.arb.ca.gov/consprod/consprod.htm>.

WHO IS RESPONSIBLE FOR SUBMITTING A COMPLIANCE PLAN?

Each responsible party whose hairspray product with a VOC content of greater than 55 percent VOC, by weight, must submit a compliance plan if the responsible party intends to sell, supply, offer for sale, or manufacture the product for sale in California on or after January 1, 1998. However, for reasons stated in the guidelines, we will allow a one-month grace period, to February 1, 1998, before we begin enforcing this requirement.

The "responsible party" is defined as the company, firm or establishment listed on the product's label. If the label lists two companies, firms or establishments, the responsible party is the party whom the product was "manufactured for" or "distributed by," as noted on the label.

If the responsible party is not the manufacturer/filler or not directly involved in the reformulation of the product, they must identify the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan to the ARB on their behalf. However, regardless of the arrangement, the responsible party is still legally responsible for ensuring that all the reporting requirements for hairsprays are met.

WHAT REPORTING OPTIONS ARE AVAILABLE TO THE RESPONSIBLE PARTY IF THEY ARE NOT THE MANUFACTURER/FILLER OR NOT DIRECTLY INVOLVED IN THE REFORMULATION OF THE PRODUCT?

The reporting options are:

- (a) The responsible party submits information to the ARB that identifies the designated reporting party (manufacturer/filler or some other party) who will submit the compliance plan directly to the ARB on their behalf. In this case, the information

submitted by the responsible party and designated reporting party are separate from one another.

- (b) The responsible party and designated reporting party (manufacturer/filler or some other party) submit together, in one package, the information that is described above to the ARB.

MUST THE ARB REPORTING FORM BE USED WHEN SUBMITTING A COMPLIANCE PLAN?

No. The use of the ARB Reporting Form is not required when submitting a compliance plan. The compliance plan may be submitted in any format provided the information contained in the plan meets the requirements of section 94513(f), Title 17, California Code of Regulations. The compliance plan can be submitted by hardcopy or diskette to the ARB address below:

California Air Resources Board
Stationary Source Division
P.O. Box 2815
Sacramento, California 95812-2815
Attn: Air Quality Measures Branch
Hairspray Special Reporting Requirements
CONFIDENTIAL MATERIALS ENCLOSED

For packages that require a street number, the address is:

2020 L Street
Sacramento, California 95814

For electronic submittals, the e-mail address is: **hairspry@arb.ca.gov**. Please note that the ARB is not responsible for the security of any information (confidential or otherwise) that is submitted through the Internet.

CONTACT PERSON FOR FURTHER QUESTIONS

For questions regarding the ARB Hairspray Compliance Plan, Reporting Form, or Guidelines for Special Reporting Requirements for Hairsprays, December 5, 1997, please contact:

Mr. Edward Wong
Implementation Section
Air Quality Measures Branch
Stationary Source Division

(916) 327-1507
(916) 327-5621 (FAX)
ewong@arb.ca.gov (e-mail)

**AIR RESOURCES BOARD
HAIRSPRAY COMPLIANCE PLAN
REPORTING FORM**

INSTRUCTIONS

- 1) If you are the responsible party **AND** the manufacturer/filler of the hairspray product, please complete the sections listed below:

- C Responsible Party Information Section
- C Reporting Form, Sections 1-4
- C Confidential Information Submittal Form

- 2) If you are the responsible party and **NOT** the manufacturer/filler of the hairspray product, please complete the appropriate sections listed below:

- C Responsible Party Information Section
- C Designated Reporting Party Information Section

- 3) If you are **NOT** the responsible party and are the designated reporting party (manufacturer/filler or some other party) that is submitting the compliance plan on behalf of the responsible party, please complete the sections listed below:

- C Responsible Party Information Section
- C Designated Reporting Party Information Section
- C Reporting Form, Sections 1-4
- C Confidential Information Submittal Form

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

**HAIRSPRAY COMPLIANCE PLAN
ARB REPORTING FORM
RESPONSIBLE PARTY INFORMATION SECTION**

Contact Person:

Mr./Ms. _____

Title:

Company Name:

Division Name:

Address:

Phone No.: _____ FAX No.:

E-Mail Address (if available):

Date _____ Page _____ of _____

Confidential Information: YES _____ NO _____

Are you also the manufacturer/filler of the hairspray product? YES ☐ NO ☐

If NO, please attach a letter to us stating that the designated reporting party (manufacturer/filler or some other party) will be submitting a compliance plan to the ARB on your behalf.

Documents attached (please check appropriate boxes below):

- ☐ Designated Reporting Party Information Section
- ☐ Reporting Form, Sections 1-4
- ☐ Confidential Information Submittal Form

**HAIRSPRAY COMPLIANCE PLAN
ARB REPORTING FORM
DESIGNATED REPORTING PARTY INFORMATION SECTION**

Contact Person:

Mr./Ms. _____

Title:

Company Name:

Division Name:

Address:

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

Phone No.: _____ FAX No.: _____

E-Mail Address (if available): _____

Please provide the name of the responsible party you are submitting the hairspray compliance plan

for: _____

Documents attached (please check appropriate boxes below):

- ☐ Responsible Party Information Section
- ☐ Reporting Form, Sections 1-4
- ☐ Confidential Information Submittal Form

HAIRSPRAY COMPLIANCE PLAN ARB REPORTING FORM

1. Background

Please provide a qualitative summary of your compliance plan, including a general explanation of your strategy for developing a complying product(s) and a discussion of the technologies involved. Your summary should include a brief description of the product form(s) affected; technologies being pursued; any special packaging or valves being considered; if an innovative product is being pursued; and the approximate month and year when a 55 percent VOC product(s) is expected to be available in California. It is also helpful to provide the name(s) of the product line(s) affected by the reformulation.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging

Please provide a list of formulae and packaging information for both aerosols and nonaerosols that you plan to investigate. The various reformulation approaches being investigated for each form should be discussed including the product formulation, packaging, delivery system, and if an innovative product approach is being pursued. In addition, each task should contain a brief qualitative explanation of what the process entails.

- a) Types of formulations to be tested. Describe the technologies being investigated such as water-based formulations using dimethyl ether or certain resins; solvent-based systems using HFC-152a and ethanol, etc.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

- b) Formulation data. For each reformulation approach to be tested, provide a list of the major ingredients and their weight percent range.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

c) Prototype testing. Describe the testing status for each reformulation approach.

d) Toxicity testing. Describe the testing status for each reformulation approach.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

e) Corrosion testing. Describe the testing status for each reformulation approach.

f) Stability testing. Describe the testing status for each reformulation approach.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

g) Packaging testing. Describe any special types of packaging, and the testing status of the hardware being investigated for each reformulation approach.

h) Valve Testing. Describe any special types of valves, and the testing status of the hardware being investigated for each reformulation approach.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

i) Safety testing. Describe the testing status for each reformulation approach.

j) Efficacy testing. Describe the testing status for each reformulation approach.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

2. Formulae and Packaging (con't)

k) Consumer market and acceptance testing. Describe the testing status for each reformulation approach.

l) Plant modifications. Describe any manufacturing modifications that will be needed to accommodate any reformulation approach being investigated.

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

3. Timeline

Using the template on the following page, please provide a timeline for each product form and different reformulation approach being taken in Section 2. The timeline should portray the starting date, completion date, and task duration to the nearest month and year for each task. Make as many copies as necessary. An example of a completed graphical layout of a timeline is provided in Attachment B of the Guidelines for Special Reporting Requirements for Hairsprays, December 5, 1997.

MAKE AS MANY COPIES AS NECESSARY

3. Timeline (con't)

Product Form_____

Reformulation Approach_____

1998												1999					
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun

Date _____ **Page** _____ **of** _____
Confidential Information: YES _____ **NO** _____

Date _____ Page _____ of _____
Confidential Information: YES _____ NO _____

4. Back-up Plan

Briefly describe the option that you would pursue, including the pathway that guarantees compliance by June 1, 1999, should your primary compliance plan were to fail. Examples of some possible back-up plan options are to: (1) use more low- or non-VOC ingredients, (2) pursue a filling contract or licensing agreement with another manufacturer/filler of a 55 percent VOC product, (3) pursue development of an innovative product, (4) purchase hairspray credits from another responsible party, or (5) enter into the Alternative Control Plan program.

CONFIDENTIAL INFORMATION SUBMITTAL FORM

If you wish to designate any information contained in your compliance plan as **CONFIDENTIAL INFORMATION**, please provide the data requested below and return it with your completed compliance plan.

In accordance with Title 17, California Code of Regulations (CCR), Section 91000 to 91022, and the California Public Records Act (Government Code Section 6250 et seq.), the information that a company provides to the Air Resources Board (ARB) may be released (1) to the public upon request, except trade secrets which are not emissions data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the Federal Environmental Protection Agency (EPA), which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulation, and (3) to other public agencies provided that those agencies preserve the protections afforded information which is identified as a trade secret, or otherwise exempt from disclosure by law (Section 39660(e)).

Trade secrets as defined in Government Code Section 6254.7 are not public records and therefore will not be released to the public. However, the California Public Records Act provides that air pollution emission data are always public records, even if the data comes within the definition of trade secrets. On the other hand, the information used to calculate information is a trade secret.

If any company believes that any of the information it may provide is a trade secret or otherwise exempt from disclosure under any other provision of law, **it must identify the confidential information as such at the time of submission to the ARB and must provide the name address, and telephone number of the individual to be consulted.** If the ARB receives a request for disclosure or seeks to disclose the data claimed to be confidential, the ARB may ask the company to provide documentation of its claim of trade secret or exemption at a later date. Data identified as confidential will not be disclosed unless the ARB determines, in accordance with the above referenced regulations, that the data do not qualify for a legal exemption from disclosure. The regulations establish substantial safeguards before any such disclosure.

In accordance with the provisions of Title 17, California Code of Regulations, Section 91000 to 91022, and the California Public Records Act (Government Code Sections 6250 et seq.),

Company Name: _____ declares that all the information submitted in response to the California Air Resources Board, Hairspray Compliance Plan, Reporting Form, is confidential "trade secret" information, and request that it be protected as such from public disclosure. All inquiries pertaining to the confidentiality of this information should be directed to the following person:

Date: _____

Mailing Address:

Signature _____

Printed Name _____

Title _____

Telephone No. _____

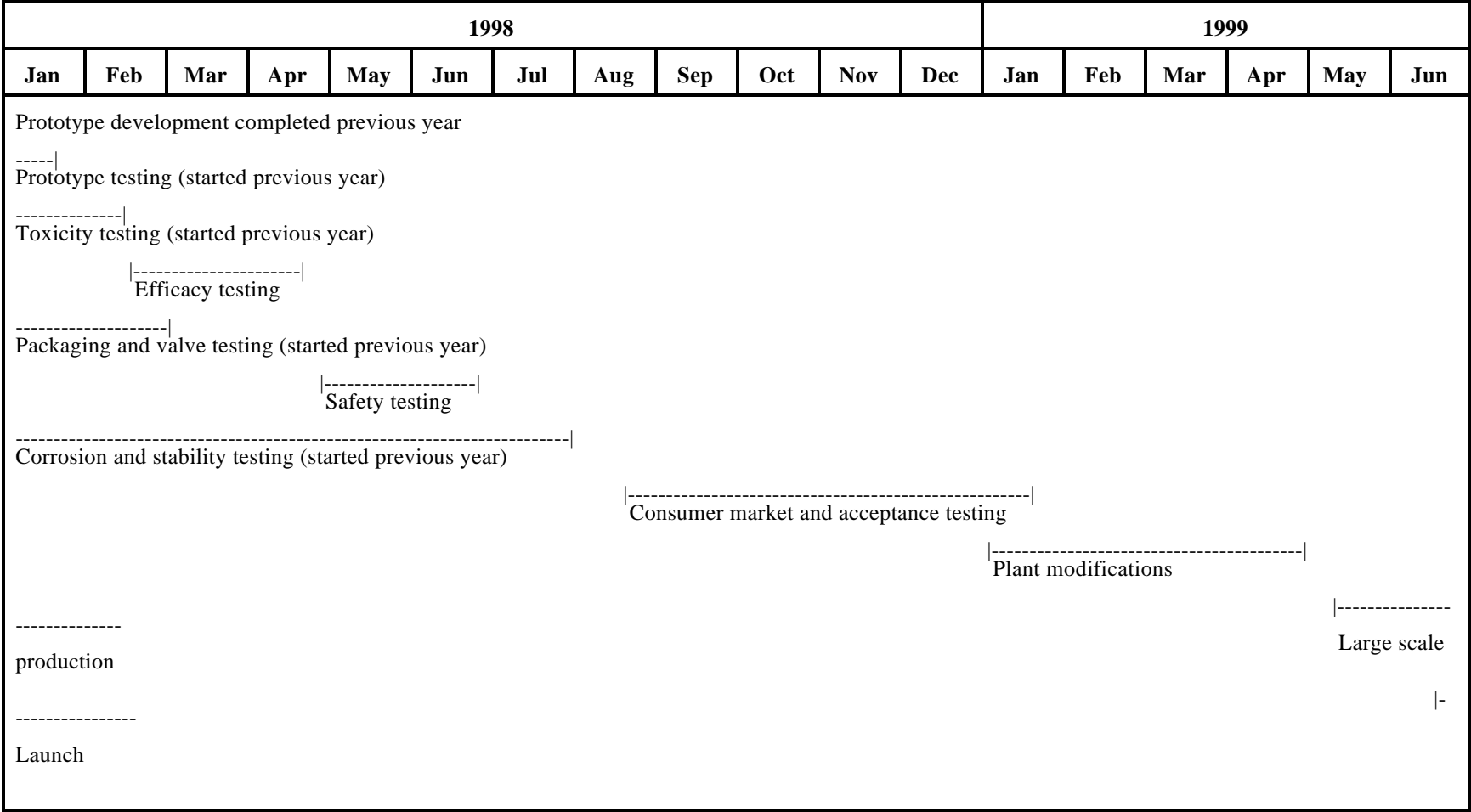
ATTACHMENT B

Example Hairspray Compliance Plan Tmeline Graphical Layout

EXAMPLE
Hairspray Compliance Plan Timeline
Graphical Layout

Product Form_____

Reformulation Approach_____



ATTACHMENT C

Title 17
California Code of Regulations
Sections 91000 to 91022
Disclosure of Public Records

Title 17
California Code of Regulations
Sections 91000 to 91022
Disclosure of Public Records

Subchapter 4. Disclosure of Public Records

Article 1. General

§ 91000. Scope and Purpose.

This subchapter shall apply to all requests to the state board under the California Public Records Act (Government Code Sections 6250 et seq.) for the disclosure of public records or for maintaining the confidentiality of data received by the state board. Written guidelines shall govern the internal review of such requests.

Note: Authority cited: Sections 39600 and 39601(a), Health and Safety Code. Reference: California Public Records Act, Chapter 3.5 (commencing with Section 6250), Division 7, Government Code.

§ 91001. Disclosure Policy.

It is the policy of the state board that all records not exempted from disclosure by state law shall be open for public inspection with the least possible delay and expense to the requesting party.

Note: Authority cited: Sections 39600 and 39601(a), Health and Safety Code. Reference: Section 6253, Government Code; Black Panther Party v. Kehoe (1974) 42 Cal.App.3d 645.

Article 2. Board's Requests for Information

§ 91010. Request Procedure.

The state board shall give notice to any person from whom it requests information that the information provided may be released (1) to the public upon request, except trade secrets which are not emission data or other information which is exempt from disclosure or the disclosure of which is prohibited by law, and (2) to the federal Environmental Protection Agency, which protects trade secrets as provided in Section 114(c) of the Clean Air Act and amendments thereto (42 USC 7401 et seq.) and in federal regulations.

Note: Authority cited: Sections 39600, 39601 and 39602, Health and Safety Code. Reference: Sections 39701, 41510, 41511, 41512 and 42705, Health and Safety Code; and Section 6253, Government Code.

§ 91011. Submissions of Confidential Data.

Any person submitting to the state board any records containing data claimed to be "trade secret" or otherwise exempt from disclosure under Government Code Section 6254 or 6254.7 or under other applicable provisions of law shall, at the time of submission, identify in writing the portions of the records containing such data as "confidential" and shall provide the name, address and telephone number of the individual to be contacted if the state board receives a request for disclosure of or seeks to disclose the data claimed to be confidential. Emission data shall not be identified as confidential. The state board shall not disclose data identified as confidential, except in accordance with the requirements of this subchapter or Section 39660(e) of the Health and Safety Code.

Note: Authority cited: Sections 39600 and 39601, Health and Safety Code. Reference: Sections 39660, 39701, 41500, 41511, 41512 and 42705, Health and Safety Code; Sections 6253, 6254 and 6254.7, Government Code; Natural Resources Defense Council v. EPA, 489 F.2d 390 (5th Cir. 1974) (6 ERC 1248); Northern California Police Practices Project v. Craig (1979) 90 Cal.App.3d 116; Uribe v. Howie (1971) 19 Cal.App.3d 194.

Article 3. Inspection of Public Records

§ 91022. Disclosure of Confidential Data.

(a) This section shall apply to all data in the custody of the state board

(1) designated "trade secret" prior to the adoption of this subchapter,

(2) considered by the state board or identified by the person who submitted the data as confidential pursuant to this subchapter, or

(3) received from a federal, state or local agency, including an air pollution control district, with a confidential designation, subject to the following exceptions:

(A) Except for the time limits specifically provided in subsection (b), only subsections (c) and (d) of this section shall apply to information submitted pursuant to Health and Safety Code Section 39660(e).

(B) Appropriate portions of an application for approval, accreditation, or certification of a motor vehicle emission control device or system shall be kept confidential until such time as the approval, accreditation, or certification is granted, at which time the application (except for trade secret data) shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be kept confidential for the model year, and then shall become public records. If an application is denied, it shall continue to be confidential but shall be subject to the provisions of this section.

(C) If disclosure of data obtained after August 9, 1984 from a state or local agency subject to the provisions of the Public Records Act is sought, the state board shall request that the agency which provided the data determine whether it is confidential. The state board shall request that it be notified of the agency's determination within ten days. The state board shall not release the data if the agency determines that it is confidential and so notifies the state board; provided, however, that the data may be released with the consent of the person who submitted it to the agency from which it was obtained by the state board.

(b) Upon receipt of a request from a member of the public that the state board disclose data claimed to be confidential or if the state board itself seeks to disclose such data, the state board shall inform the individual designated pursuant to Section 91011 by telephone and by mail that disclosure of the data is sought. The person claiming confidentiality shall file with the state board documentation in support of the claim of confidentiality. The documentation must be received within five (5) days from the date of the telephone contact or of receipt of the mailed notice, whichever first occurs. In the case of information submitted pursuant to Health and Safety Code Section 39660(e), the documentation must be received within 30 days of the date notice was mailed pursuant to that section. The deadlines for filing the documentation may be extended by the state board upon a showing of good cause made within the deadline specified for receipt of the documentation.

(c) The documentation submitted in support of the claim of confidentiality shall include the following information:

- (1) the statutory provision(s) under which the claim of confidentiality is asserted;
- (2) a specific description of the data claimed to be entitled to confidential treatment;
- (3) the period of time for which confidential treatment is requested;
- (4) the extent to which the data has been disclosed to others and whether its confidentiality has been maintained or its release restricted;
- (5) confidentiality determinations, if any, made by other public agencies as to all or part of the data and a copy of any such determinations, if available; and
- (6) whether it is asserted that the data is used to fabricate, produce, or compound an article of trade or to provide a service and that the disclosure of the data would result in harmful effects on the person's competitive position, and, if so, the nature and extent of such anticipated harmful effects.

(d) Documentation, as specified in subsection (c), in support of a claim of confidentiality may be submitted to the state board prior to the time disclosure is sought.

(e) The state board shall, within ten (10) days of the date it sought to disclose the data or received the request for disclosure, or within 20 days of that date if the state board determines that there are unusual circumstances as defined in Government Code Section 6256.1, review the request, if any, and supporting documentation, if received within the time limits specified in subsection (b) above, including any extension granted, and determine whether the data is entitled to confidential treatment pursuant to Government Code Section 6254, 6255 or 6254.7 or other applicable provisions of law and shall either:

(1) decline to disclose the data and, if a request was received, provide to the person making the request and to the person claiming the data is confidential a justification for the determination pursuant to Government Code Section 6255; or

(2) provide written notice to the person claiming the data is confidential and, if a request was received, to the person requesting the data that it has determined that the data is subject to disclosure, that it proposes to disclose the data, and that the data shall be released 21 days after receipt of the notice by the person claiming confidentiality, unless the state board is restrained from so doing by a court of competent jurisdiction. The state board shall release the data in accordance with the terms of the notice unless so restrained.

(f) Should judicial review be sought of a determination issued in accordance with subsection (e), either the person requesting data or the person claiming confidentiality, as appropriate, may be made a party to the litigation to justify the determination.

Note: Authority cited: Section 39601, Health and Safety Code. Reference: Sections 6253, 6254, 6254.7, 6255, 6256, 6256.1, 6258 and 6259, Government Code.

Subchapter 5. Emission Data, Sampling, and Credentials for Entry

Article 1. Determination of Emissions

§ 91100. Emission Data and Sampling Access.

The Executive Officer of the Air Resources Board (State Board) or his or her authorized representative may, upon reasonable written notice, require the owner or operator of any substance, article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants, to:

(a) Provide the State Board with descriptions of basic equipment, control equipment and rates of emissions. Where this information does not provide sufficient data for the State Board to carry out the purposes of Division 26 of the Health and Safety Code, or where such information is in question, the Executive Officer or his or her authorized representative may require such other additional information as may be necessary, including process and production data, techniques and flow diagrams.

(b) Provide sampling platforms, sampling ports, and means of access to sampling locations.

(c) Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the Executive Officer or his or her authorized representative has determined that such apparatus is available and should be installed.

Note: Authority cited: Sections 39515, 39516, 39600, 39601 and 41511, Health and Safety Code. Reference: Section 41511, Health and Safety Code.

ATTACHMENT D

Title 17

California Code of Regulations

Section 94513(f)

Special Reporting Requirements for Hairsprays

Title 17
California Code of Regulations
Consumer Products
Section 94513(f)
Special Reporting Requirements for Hairsprays

(f) Special Reporting Requirements for Hairsprays

This subsection (f) applies to each responsible party for any hairspray product that has greater than a 55 percent VOC content, if the responsible party intends to sell, supply, offer for sale, or manufacture the product for sale in California after January 1, 1998. Each such responsible party shall submit to the Executive Officer the following information:

- (1) On or before January 1, 1998, a compliance plan shall be submitted that details the responsible party's schedule for achieving compliance with the June 1, 1999, 55 percent VOC standard for hairsprays.
- (2) Program updates for each compliance plan shall be submitted by the following dates: April 1, 1998, July 1, 1998, October 1, 1998, January 1, 1999, March 1, 1999, and May 1, 1999; except that the obligation to submit updates shall cease when the responsible party achieves compliance with the 55 percent VOC standard.
- (3) Each compliance plan and update shall include the projected sequence and date of all key events pertaining to the development of 55 percent VOC hairspray formulas including, at a minimum, the following information: information on the types of formulations to be tested; formulation data; prototype testing; toxicity, corrosion, and stability tests; packaging and valve testing; safety and efficacy testing; consumer market testing and consumer acceptance testing; schedule for plant modifications and large scale production, the expected date of production of hairsprays that meet the June 1, 1999, standard; and a back-up plan that describes the manufacturer's intended actions should the chosen compliance method or technology not succeed.